IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

-

WRIT PETITION NO : 12083 of 2004

Between:

Mutta Venkatarao S/o Sitaramayya,
R/o Pedabeempalli (V), Devipatnam (M), East Godavari District

..... PETITIONER

AND

1 The Addl. Agent to the Government., East Godavari District at

Rampachodavaram
2 The Special Deputy Collector (Tribal Welfare), Rampachodavaram.
3 The Mandal Revenue Officer, Devipatnam (M), East Godavari District
4 The Special Deputy Tahsildar (Tribal Welfare), Devipatnam East

Godavari District

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in evicting the petitioner from the land to an extent of Ac. 6.22 cents in Sy. No. 171 of Indukurupeta (V), Devipatnam (M), E.G. District in pursuance of the order in L.T.R.P. No. 230/2003 dated 30-4-2004 of the 2nd respondent as illegal, arbitrary and unjust and consequently direct the respondents not to evict the petitioner from the above said land pending disposal of the appeal preferred before the 1st respondent in the interest of justice.

Counsel for the Petitioner:MR.K.VENKATESH

Counsel for the Respondents : GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The case of the petitioner is that he is the owner of an extent of Ac.6-22 cents of land in Sy.No.171 of Indukurupeta village, Devipatnam Mandal, East Godavari district having inherited the same from his father, who has purchased the said property in the year 1951 and cultivating the same. His further case is that though the land is in scheduled area and the petitioner is a non-tribal, the provisions of A.P. Scheduled Areas Land Transfer Regulations 1959 do not apply, since the transfer took place in the year 1951. However, at the instance of the 4th respondent, the 2nd respondent in L.T.R.P.NO.230/2003 passed an order dated 30-4-2004 directing ejection of the petitioner from the land in question without considering the contentions and documents of the petitioners and the petitioner has preferred an appeal against the order before the 1st respondent. The grievance of the petitioner is that, without considering the fact of the petitioner having filed an appeal before the 1st respondent, the respondents are trying evict the petitioner from the land.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and at their request the writ petition is disposed of.

Admittedly, the petitioner has filed the appeal before the 1st respondent against the order of eviction on 3-7-2004 and approached this court without waiting for any

reasonable time. He can wait for some time, or if he feels urgency, he can approach the 1st respondent before whom the appeal is pending with an interlocutory application.

Therefore, the writ petition is disposed of with an observation that the petitioner is at liberty to file an interlocutory application in the appeal pending before the 1st respondent for interim orders and on such application, the 1st respondent shall pass appropriate interim orders, pending consideration of the appeal, within a period of one week from the date of filing the interlocutory application.

The writ petition is disposed of with the above directions. No costs.

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15-7-2004

gs/asp

To

1 The Addl. Agent to the Government., East Godavari District at

Rampachodavaram

2 The Special Deputy Collector (Tribal Welfare), Rampachodavaram.

3 The Mandal Revenue Officer, Devipatnam (M), East Godavari District

4 The Special Deputy Tahsildar (Tribal Welfare), Devipatnam East

Godavari District

5. 2CCs to G.P. for Revenue, High Court of A.P. Hyderabad (OUT)

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